

8-27-2024 TW Opening Statement by Presiding Official

My name is Tom Failla. I am the Town of Weston Tree Warden. Today, I serve as the presiding officer for this hearing. This Public Hearing takes place under the provisions of CGS Ch 451 Sect. 23-59 because I received three written objections to the Aug. 9, 2024 posting of four tree removal notices on Old Weston Road on the Town of Weston right of way behind the Eversource substation and near the utility's transmission line.

The main reason for the removal notice on each tree is that the utility's arborist finds that the trees are within the transmission line and substation hazard zone. Other reasons cited by the Tree Warden for removal are also noted with each listing. The notices on each tree state the utility will also remove nearby tree saplings and plant replacement shrubs on the east and west side of the Old Weston Road within the hazard zone. The trees are listed below and pictures are provided at the end of this statement.

1. 42 in DBH twin oak north pole 30012 east side Old Weston Road – tree presents with weak union and compressed roots
2. 14 in DBH maple northeast pole 30012, east side Old Weston Road – tree presents with sapsucker holes.
3. 8 in. DBH maple northeast pole 30012, east side Old Weston Road.
4. 16 in DBH lesser leader of twin oak northwest pole 30012 west side Old Weston Road – lesser leader presents weak union and tree presents with compressed roots.

With me to assist with this hearing are: Nicholas Bamonte, from the town attorney's office, who will serve as parliamentarian to answer procedural questions, and Felippo Scandizzo, town land use administrator, who will help with the meeting technology and take minutes.

As the town's tree warden, I have statutory authority (CGS Ch 451 Sect. 23-59) over the care and control of municipal trees and shrubs. This includes assessing the wellness of trees on municipal property especially those along town rights of way, near buildings and areas where vehicles and pedestrians gather or pass by. I was first appointed the town's Tree Warden by the Board of Selectmen in July 2020 after serving as deputy tree warden since 2019 and obtaining tree warden certification through the state of Connecticut and state Tree Warden Association and completing a course of study in arboriculture.

The Aug. 9, 2024 posting on the trees started a ten-day period in which the public could send written comments, which I have received and now posted on the Tree Warden page of the town website. Because of the objections, the law requires that I conduct a hearing. This administrative hearing scheduled for 4:30 p.m. Aug. 27, 2024 on Zoom complies with Conn. Gen. Statutes 23-59. It was legally noticed Aug. 20, 2024 on the Weston Town Clerk's

bulletin board the Town of Weston website under Legal Notices and the Tree Warden page and on Aug. 21, 2024 published in The Hour of Norwalk, CT. The notice was also emailed to interested parties. All documents related to this hearing have been posted on the Tree Warden page on the town website and are part of the record.

Before I take comments, here are the ground rules for the hearing:

First, this hearing is for members of the public to offer comments relative to the notice. You will be recognized by using the button to raise your hand. When your turn comes, please state your name and address. Please limit comments to three minutes. Please avoid repeating information. In the meantime, please mute your audio. If anyone wants to submit comments in writing, they may do so by sending them to treewarden@westonct.gov before this hearing closes

Second, the Tree Warden is here to listen fairly and impartially. I will not engage in a discussion about the reason for the notice of removal, which has already been established on the notice and in this opening statement.

Third, under the statute Sec. 23-59, the Tree Warden has three days from the close of this hearing to render a written decision. The decision will be informed by comments at this hearing and documents posted on the Tree Warden page.

The hearing is now open for public comment.

Closing comment: I believe we have heard all the comments. At this point, the public hearing is closed. No more information will be accepted. The tree warden will render a written decision within three days, which will be posted on the area of the trees and emailed to the Town of Administrator, First Selectwoman and interested parties. It will also be posted on the Town Clerk's bulletin board, the town web site under Legal Decisions and the Tree Warden Page. Sect. 23-59 states: "the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court.







NOTICE OF TREE REMOVAL

This tree, the property of the Town of Weston will be ordered removed by me ten (10) days following this date or thereafter, and is posted in accordance with Section 23-59, Chapter 451, of the Connecticut General Statutes or as thereafter amended. Any Person or organizations objecting to such removal may appeal to me in writing before the ten (10) day period.

Posted this 10 day of MAY 2023

Signature J. J. Kuller

Tree Warden - Town of Weston
56 Northfield Road, Weston, CT 06883
(203) 334-6035 • treewardens@westonct.gov

Type: Sugar Maple
Size: 22" DBH

Reason for Removal:

- Dead Tree
- Hazardous tree with risk to public safety including the following issues:
Leaning - Decay - Storm Damage - Rot - Uprooted - Hollow - Public Nuisance - Broken Limbs
Line of Sight Issue - Girdled - Vandalism - Dropping Limbs/Materials - Struck by Vehicle
- Insect and/or Disease damage or infestation; Explain _____
- Co-Dominant or Weak Union/Crotch; Multi-Stem _____
- Property owner request to remove tree(s) on _____ Town Right of Way - Town Property
- Replacement planned for area - Shrub
- Utility request for removal of tree(s) due to conflict with poles/wires
- Construction improvements and modifications to area
- Other _____